

**ASSEMBLY BILL**

**No. 1289**

---

**Introduced by Assembly Member Galgiani**

February 27, 2009

---

An act to add Section 5023.3 to the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

AB 1289, as introduced, Galgiani. Prisoners: telemedicine.

Existing law, the Telemedicine Development Act of 1996, regulates the practice of telemedicine, defined as the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, and education using interactive audio, video, or data communications, by a health care practitioner, as defined. Existing law establishes that the Department of Corrections and Rehabilitation operate in the most cost-effective and efficient manner possible when purchasing health care services for inmates.

This bill would declare the Legislature's findings on the use of telemedicine in the state's prisons. The bill would require the department to establish guidelines for the use of telemedicine consultations, use telemedicine for all appropriate consultations, and establish annual performance targets regarding the use of telemedicine in prisons.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 5023.3 is added to the Penal Code, to  
2     read:

1     5023.3. (a) The Legislature finds and declares all of the  
2 following:

3     (1) It is the intent of the Legislature to require the Department  
4 of Corrections and Rehabilitation to implement the  
5 recommendations proposed by the Legislative Analyst's Office  
6 relating to the use of telemedicine in state prisons.

7     (2) The Legislative Analyst's Office found in a February 2006  
8 report that opportunities exist for the department to significantly  
9 expand its use of telemedicine in prisons, thereby enhancing public  
10 safety, generating cost savings, and improving inmates' access to  
11 care.

12     (3) Telemedicine provides the opportunity to bid out contracts  
13 to a larger pool of physicians licensed to practice across the state,  
14 rather than only to those contract physicians practicing in the region  
15 of a specific prison.

16     (4) Telemedicine improves inmates' access to health care by  
17 enabling correctional systems to expand their provider network to  
18 include physicians located outside the immediate vicinity of  
19 prisons, particularly for inmates housed in remote areas of the state  
20 with shortages of health care.

21     (5) The department's prison telemedicine program began in  
22 1997 as a pilot project for mental health inmates at Pelican Bay  
23 State Prison and was successful at improving inmates' access to  
24 mental health care. Accordingly, the department decided to expand  
25 the program to provide mental health as well as medical specialty  
26 services at other prisons. In 2006, 27 of the state's 33 prisons were  
27 equipped to provide telemedicine services.

28     (6) The department estimates that it saves on average about  
29 eight hundred fifty dollars (\$850) in transportation and medical  
30 guarding costs for each outside medical visit that is avoided due  
31 to telemedicine. In total, approximately four million dollars  
32 (\$4,000,000) in transportation and medical guarding costs were  
33 avoided in 2004–05 because of the program.

34     (7) The Legislative Analyst's Office has determined that despite  
35 the growth of the department's telemedicine program since 1997,  
36 the program is underutilized. The Legislative Analyst's Office has  
37 cited two factors that explain why telemedicine is underutilized.  
38 First, the department encourages, but does not require, prison  
39 healthcare staff to use the program when it could be effectively  
40 substitute for offsite medical appointments. Second, the department

1 offers only a limited number of medical specialties through  
2 telemedicine.

3 (b) In order to maximize the benefits that come with the use of  
4 telemedicine in the state's prisons, the department shall do all of  
5 the following:

6 (1) Require prisons to use the prison telemedicine program for  
7 all medical consultations that are appropriate for telemedicine  
8 consultations.

9 (2) Establish guidelines concerning the specific conditions under  
10 which telemedicine consultations be used in place of outside  
11 medical visits. Medical specialty appointments that meet these  
12 criteria shall be provided via telemedicine.

13 (3) Establish annual performance targets beginning in 2010–11  
14 for prisons regarding the total number and percentage of medical  
15 specialty consultations that are conducted by telemedicine rather  
16 than at community medical facilities. The department shall report  
17 to the Legislature, annually, on its plans and performance. The  
18 ultimate goal of these performance targets shall be to limit  
19 in-person consultations in the community to only those that, due  
20 to the nature of the medical problem, must be conducted in a  
21 face-to-face encounter between physician and inmate.